

Assembly Bill No. 1906

CHAPTER 87

An act to add Section 904.7 to the Penal Code, relating to grand juries.

[Approved by Governor July 15, 2010. Filed with
Secretary of State July 15, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1906, Cook. Additional grand juries: County of San Bernardino.

Existing law authorizes the presiding judge in any county or city and county, or the judge appointed by the presiding judge to supervise the grand jury, to impanel an additional grand jury to serve for a period of one year upon the request of the Attorney General or the district attorney or upon his or her own motion. Existing law authorizes the Presiding Judge of the Superior Court of the County of Los Angeles, or the judge appointed by the presiding judge to supervise the grand jury, to impanel up to 2 additional grand juries, who may serve for a period of one year from the date of impanelment.

This bill would authorize the Presiding Judge of the Superior Court of the County of San Bernardino, or the judge appointed by the presiding judge to supervise the grand jury, to impanel an additional civil grand jury, for a term to be determined by the presiding or supervising judge, in accordance with specified procedures. The bill would provide that the additional civil grand jury may inquire into matters of oversight, conduct investigations, issue reports, and make recommendations, but shall not have jurisdiction to issue indictments.

The people of the State of California do enact as follows:

SECTION 1. Section 904.7 is added to the Penal Code, to read:

904.7. (a) Notwithstanding subdivision (a) of Section 904.6 or any other provision, in the County of San Bernardino, the presiding judge of the superior court, or the judge appointed by the presiding judge to supervise the grand jury, may, upon the request of the Attorney General or the district attorney or upon his or her own motion, order and direct the impanelment of an additional civil grand jury pursuant to this section.

(b) The presiding judge or the judge appointed by the presiding judge to supervise the grand jury shall select persons, at random, from the list of trial jurors in civil and criminal cases and shall examine them to determine if they are competent to serve as grand jurors. When a sufficient number of competent persons have been selected, they shall constitute an additional grand jury.

(c) Any additional civil grand jury that is impaneled pursuant to this section may serve for a term as determined by the presiding judge or the judge appointed by the presiding judge to supervise the civil grand jury, but may be discharged at any time within the set term by order of the presiding judge or the judge appointed by the presiding judge to supervise the civil grand jury. In no event shall more than one additional civil grand jury be impaneled pursuant to this section at the same time.

(d) Whenever an additional civil grand jury is impaneled pursuant to this section, it may inquire into matters of oversight, conduct investigations, issue reports, and make recommendations, except for any matters that the regular grand jury is inquiring into at the time of its impanelment. Any additional civil grand jury impaneled pursuant to this section shall not have jurisdiction to issue indictments.

(e) It is the intent of the Legislature that, in the County of San Bernardino, all persons qualified for jury service shall have an equal opportunity to be considered for service as criminal grand jurors within the county, and that they have an obligation to serve, when summoned for that purpose. All persons selected for an additional criminal grand jury shall be selected at random from a source or sources reasonably representative of a cross section of the population that is eligible for jury service in the county.